

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL A. RIVOTA, individually)	No. 1:19-cv-04156
and on behalf of all others)	
similarly situated,)	Judge John Z. Lee
)	
Plaintiff,)	Magistrate Judge Sunil R. Harjani
)	
v.)	
)	
BANK OF AMERICA CORPORATION)	
and MERRILL LYNCH, PIERCE,)	
FENNER & SMITH INCORPORATED,)	
)	
Defendants.)	

**JOINT MOTION FOR FINAL APPROVAL OF THE PARTIES’
CLASS ACTION SETTLEMENT AGREEMENT**

Plaintiff, Michael A. Rivota (“Plaintiff”), individually and on behalf of all others similarly situated, and Defendants Bank of America Corporation (“BAC”) and Merrill Lynch, Pierce, Fenner & Smith Incorporated (“Merrill Lynch”) (collectively, “Defendants”) (Plaintiff and Defendants collectively referred to as “the Parties”), by their respective undersigned counsel, submit this Joint Motion for Final Approval of the Parties’ Class Action Settlement Agreement.

1. This Court granted preliminary approval of the Parties’ Class Action Settlement Agreement (the “Settlement”) on February 26, 2020 (ECF Nos. 48, 49). The Parties now seek final approval of the Settlement.
2. Following the Court’s preliminary approval of the Settlement, the third-party claims administrator mailed the Court-approved Notice Packet to 188 Class Members.
3. 124 Class Members filed Claim Forms and thus are eligible for the settlement payments.

4. The Class Members are eligible to receive \$55.31 for each workweek worked during the recovery period. By way of a specific example, a Class Member who worked 48 workweeks for Defendants during the recovery period and submitted a Claim Form is eligible to receive a settlement payment of \$2,654.88. A second specific example is a Class Member who worked 86 workweeks during the recovery period and submitted a Claim Form is eligible to receive \$4,756.66 under the parties' settlement.

5. The payments for the Class Members who submitted valid Claim Forms average \$1,858.95 per person, with a high payment of \$8,517.74. Overall, this is an excellent result.

6. Further, the Parties' settlement is strongly supported by the Class Members, as no Class Member requested exclusion or filed an objection.

7. In sum, final approval is warranted because the Parties' settlement is a fair, reasonable, and adequate resolution of a *bona fide* dispute.

8. For the reasons set forth above and in greater detail in the accompanying Memorandum in Support of this Motion, the Parties respectfully request that this Honorable Court grant their Joint Motion for Final Approval of the Parties' Class Action Settlement and enter the Proposed Final Approval Order and Final Judgment attached as Exhibit 1 to the Memorandum.

Date: July 1, 2020

Respectfully submitted,

/s/ James X. Bormes
One of Plaintiff's Attorneys

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Respectfully submitted,

/s/ Chen G. Ni (w/ permission)
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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2020, I served the parties' Joint Motion for Final Approval of the Parties' Class Action Settlement Agreement to counsel of record for Defendants via ECF:

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